

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35978 of 2024

Arising Out of PS. Case No.-76 Year-2021 Thana- SHAHPUR PATORI District- Samastipur

Nandu Ray @ Nandu Rai @ Nandu Kumar Son of Kailash Rai R/o Village -
Kala Diyara, P.S.- Salimpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Smt. Renuka Sharma, Advocate. Mr. Rakesh Kumar, Advocate. Mr. Rajnikant Sinha, Advocate.
For the State	:	Mr. Upendra Kumar, APP
For the Informant	:	Mr. S.K. Thakur, Advocate.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 19-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 222 of 2023 arising out of Shahpur Patori @ Patori (Mohanpur O.P.) P.S. Case No. 76 of 2021 dated 17.03.2021, registered for the offences punishable under Sections 147, 148, 149, 302, 447 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case as emerges from the F.I.R. is that when the informant and his uncle Bidya Rai were harvesting in the field, the petitioner along with his associates, armed with deadly weapons, came there and started firing on



them. It is further alleged that on the order of one Sanjay Rai, the petitioner opened fire upon Bidya Rai, causing death to him.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has earlier moved this Court for same relief vide Cr. Misc. No. 2494 of 2022. However, that Cr. Misc. case was dismissed vide order dated 14.11.2022 by this Court. He further submits that similarly situated co-accused Narsingh Ray has been enlarged on bail by co-ordinate Bench of this Court vide order dated 19.11.2024 passed in Cr. Misc. No. 68440 of 2022 and the present case stands on similar footing with that of Narsingh Ray. He also submits that witnesses have already been examined in the trial including the informant and they have not supported the prosecution case. He refers to evidence of the informant (PW-6) wherein he has deposed that it is Rana Shashi Singh who had written the written report and submits that he was not an eye witness to the occurrence. He also submits that the Petitioner has been in custody since 26.08.2021.

5. It has further been stated in paragraph no. 3 that the petitioner has one criminal antecedent in which he is on bail.

6. However Ld. counsel for the informant and Ld.



APP for the State vehemently oppose the prayer of the petitioner for bail submitting that the case of Narsingh Ray is not similar to that of present petitioner. The present petitioner is main assailant and named accused in the F.I.R. Narsing Rai is not named in the F.I.R. His name has been added during investigation. He also submits that the petitioner is a dreaded criminal. He is facing another trial for attempt to murder. In case he comes out from jail, he may threaten the witnesses which are yet to be examined. So far only 7 out of 17 chargesheet witnesses have been examined. He further submits that the submission of Ld. counsel for the petitioner is not correct as far as his claim that the Prosecution witnesses who have been examined have not supported the prosecution case. He refers to evidence of the informant wherein the informant has supported the prosecution case deposing that it is the Petitioner who had shot at the victim leading to his death. He also submits that as per the evidence of the Informant, Rana Shashi Singh had accompanied him to the Police Station where he had written the written report. Hence, whether this Rana Shashi Singh was an eye witness or not does not matter.

7. Considering the aforesaid facts and circumstances, serious nature of the allegation, material on record, criminal



antecedent of the Petitioner and 9 witnesses being yet to be examined, I am not persuaded to enlarge the Petitioner on bail at this stage.

8. Accordingly, the present petition is dismissed.

(Jitendra Kumar, J)

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